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Atty. Dkt. No. 040679-1403

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Takeshi ISHIZU et al.

Title: GEAR SHIFTING ON TARGET SPEED REDUCTION IN
VEHICLE SPEED CONTROL SYSTEM

Appl. No.: 10/030,582

Filing Date: 01/11/2002

Examiner: E. Gibson

Art Unit: 3661

RECEIVED

JUN 22 2004

GROUP 3600

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

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TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is being filed after the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application. Accordingly, a statement and fee are required.

RELEVANCE OF EACH DOCUMENT

Document A3 discloses a cruise control device.

In a counterpart Japanese application, an Office Action issued on April 20, 2004. According to an English translation obtained by Applicants' representative of the Japanese Office Action, the Japanese Patent Office made certain characterizations of the references.

According to the Japanese Office Action, documents A1 and A2 teach prohibition of shift-down when the coast switch to reduce set-speed is turned on. Refer to page 2, upper left column to page 3, upper right column of document A1. Refer to Figure 4 and applicable portions, for example, paragraph 0058 of document A2.

It should be noted that document A1, JP 1-275226, is related to US 5,038,880 which was previously cited. Also, an abstract of JP 11-078605 was previously cited. Both the U.S. patent and the Japanese abstract were submitted in an Information Disclosure Statement dated January 11, 2001.

As noted, the characterizations of the Japanese Patent Office noted above are based on an English translation obtained by Applicant's representative. The disclosure of these characterizations should not be construed as an admission of or agreement to the opinions expressed in the Japanese Office Action.

English translations of the foreign-language documents are not readily available. However, the absence of such translations does not relieve the PTO from its duty to consider the submitted foreign language documents (37 CFR §1.98 and MPEP §609). English language abstracts are provided herewith.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT REGARDING DOCUMENTS A1 AND A2

With respect to Documents A1 and A2, the undersigned hereby states in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

STATEMENT REGARDING DOCUMENT A3

With respect to Document A3, the undersigned hereby states in accordance with 37 CFR §1.97(e)(2) that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of the information disclosure statement.

FEE

A fee in connection with submission of an information disclosure statement under 37 CFR §1.97(d) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

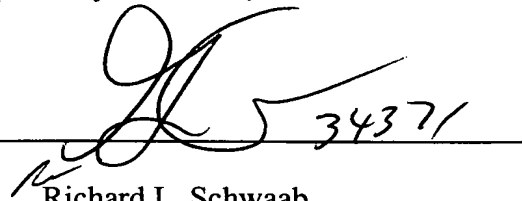
check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date June 14, 2004

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By

A handwritten signature in black ink, appearing to be 'RS' followed by a flourish, written over a horizontal line.

Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Date Submitted: June 14, 2004

(Use as many sheets as necessary)

Complete if Known

Application Number	10/030,582
Filing Date	01/11/2002
First Named Inventor	Takeshi ISHIZU
Group Art Unit	3661
Examiner Name	E. Gibson
Attorney Docket Number	040679-1403

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A1	JP	1-275226	A	MAZDA MOTOR CORP.	11-02-1989		Abst.
	A2	JP	11-78605	A	JIDOSHA DENKI KOGYO CO., LTD., ET AL.	03-23-1999		Abst.
	A3	JP	11-78606	A	JIDOSHA DENKI KOGYO CO., LTD., ET AL.	03-23-1999		Abst.

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.